such court itself upon a case reserved for the opinion of the court, or upon special verdict of a jury; or the said last-mentioned court shall, if it think fit, when the same opinion has been obtained before trial, order such opinion to be submitted to the jury, with the other facts of the case, *as conclusive evidence* of the foreign law therein stated, and the said opinion shall be so submitted to the jury: provided always, that if, after having obtained such certified copy, the court shall not be satisfied that the facts had been properly understood by the foreign court to which the case was remitted, or shall on any ground whatsoever be doubtful whether the opinion so certified does correctly represent the foreign law, as regards the facts to which it is to be applied, it shall be lawful for such court to remit the said case, either with or without alterations or amendments, to the same or to any other such superior court in such foreign state as aforesaid, and so from time to time as may be necessary or expedient."

There is another important provision in this statute, namely, that the courts in her Majesty's dominions may pronounce an opinion on a case remitted to them by a foreign court.

I. F. R.

NOTICES OF NEW BOOKS.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME COURT OF THE STATE OF VERMONT. By WILLIAM G. SHAW. Vol. 32. New series, vol. 3. Rutland: George A. Tuttle & Co. 8vo., pp. 888.

There is no community on the globe better suited for democratic institutions than the State of Vermont, and none in which democratic institutions have worked better. Three reasons, among others, may be cited in explanation of this. The people of Vermont are highly intelligent and well educated. They are neither rich nor poor, without the temptations of great wealth or abject poverty, and they have no large cities. And a fourth reason might be alleged—that they have but a small admixture of foreign population. At any rate, it is certain that the institutions of Vermont are highly democratic, and it is equally certain that in no State is

property more secure, and are rights better protected. The judges of the Supreme Court are elected every year by the legislature, and yet Vermont has always had good judges and good law. Indeed, if judges are to be elected at all, we distinctly say that it is better that they should be elected every year than for a longer period, since, in the former case, there never comes a time when it is determined that one judge shall go out and his successor come in. A faithful magistrate will be re-elected year by year, almost as a matter of course. Paradoxical as it may seem, an annual election of judges is a nearer approach to an independent judiciary than an election for five, seven, or ten years. Chief Justice Redfield (now a resident of Boston, and a member of its bar), was again and again chosen by a legislature opposed to him in national politics, a fact which we mention as highly honorable to both parties.

The volume before us embraces the decisions during portions of the years 1859 and 1860. It shows that in Vermont, cases are carefully argued and well determined. The reporter has done his part well, though a little more of the process of compression might have been here and there advantageously applied.

Did our limits permit, we should gladly cite several of the cases which we had noted, as deciding points of interest to the profession or the public, or as evincing high judicial qualities on the part of the court, but we must content ourselves with a single specimen, on account of the importance and value of the doctrines laid down.

In *Nichols* vs. *Mudgett* (p. 546), the defendant being indebted to the plaintiff, who was a candidate for the office of town representative, the parties agreed that the former should use his influence for the plaintiff's election, and do what he could for that purpose, and that if the plaintiff were elected, that should be a satisfaction of the plaintiff's claim. Nothing was said specifically about the defendant's voting for the plaintiff, but he did vote for him, and would not have done so, or favored his election, but for this agreement. The plaintiff was elected. No actual discharge of the debt was given by the plaintiff after the election. *Held:* That this agreement was entirely void, and constituted no bar to the plaintiff's recovery of his debt. We copy a few sentences from the opinion of Mr. Justice Aldis in this case, which combine good law, good sense, and good morals.

"Every voter is bound to use his influence to promote the public good, according to his own honest opinions and convictions of duty. If for money or other personal profit, he agrees to exert his influence against what he believes to be for the

public good, he is corrupt, and the agreement void, even though, in the actual exercise of his influence against his conscience, he resorts to no unlawful means Such bargains cannot be enforced in law; and the reason why they cannot be enforced is, not merely because they are made criminal acts by statute, or are opposed to the provisions of the constitution, but because of their own inherent turpitude, because they are corrupt and corrupting, because they are destructive to public virtue and the welfare of the community. In republican governments especially, whatever tends to destroy the purity of the elections should be guarded against with the strictest watchfulness, and pursued with the most prompt condemnation by courts and legislators." G. S. H.

REPORTS OF CASES IN LAW AND EQUITY DETERMINED IN THE SUPREME COURT OF THE STATE OF NEW YORK. By OLIVER L. BARBOUR, LL.D. Vol. 34. Albany: W. C. Little, Law Bookseller, 1862.

The appearance of this volume leads us briefly to describe for the information of our readers residing out of the State of New York, the organization of the Supreme Court, and its method of rendering decisions. The court consists of thirty-three judges, who meet as an entire body once in two years, with the object of establishing and modifying rules of practice. For the purpose of ordinary business, the court is organized by the erection of eight judicial districts, in such a way that arguments in banc are heard before either three or four judges, who are said to hold a *General Term.* The functions of this tribunal are, with a single exception, of an appellate character. Cases appealed from the County and Surrogate Courts are heard here, as well as appeals from certain orders made, and from the judgments rendered in the Supreme Court, either at the Special Terms, or upon verdicts at the Circuit, or upon the reports of referees. The original business of the Court in Law and Equity is transacted before a single judge at Circuit, or at *Special Term.*

This volume of reports contains many interesting and valuable decisions. The reporter has wisely confined himself, as a rule, to the publication of decisions of the court at General Term. There are but three Special Term decisions in the volume, and these may be thought to be of such interest as to warrant an exception in their favor. Cases of this kind should in general be published in the monthly serials. It is to be hoped that the salutary rule thus adopted will be adhered to.

The recent practice, originating in the first judicial district (New York City), of preparing, in most of the cases, brief opinions, is worthy of general imitation. Most of the time spent by judges in composing extended and elaborate opinions would often be far more profitably employed in making